

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LATREASE RIKARD, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:11-CV-01580-NAB
)	
US AUTO PROTECTION, LLC, et al,)	
)	
Defendants.)	

**MEMORANDUM AND ORDER AMENDING CASE MANAGEMENT ORDER IN REGARD TO
MEDIATION TERMINATION DATE**

Presently before the Court is Defendants’ Motion To Amend Case Management Order To Extend Date for Termination of Mediation. Having fully considered the Motion, the Court grants the Motion.

On November 30, 2011, this Court entered a Case Management Order which included, *inter alia*, a date by which mediation was to be completed. This date was May 1, 2012. The record reflects that the parties faithfully attempted to meet this deadline by determining a date for mediation with the court appointed mediator Richard Sher, Esq. for April 23, 2012.

On February 27, 2012, Plaintiff filed a Motion for Leave to file Second Amended Petition which seeks to join several additional defendants. This Motion has not yet been ruled on so that it remains possible that the additional individuals who plaintiff wishes to add as parties will become parties and wish to mediate.

Additionally, on March 12, 2012, Defendants propounded discovery to Plaintiff Latease Rickard as well as the other opt-in plaintiffs. On April 13, 2012, Plaintiffs filed a motion for protective order to limit their interrogatory responses and limit defendants’ attempts to conduct discovery in this matter. The Defendants have represented to the Court that they anticipate briefing the motion for a protective order to the Court for its decision as to the breadth and scope of discovery the Court may allow the defendants.

Further, Defendants represent they are currently attempting to determine the availability of computer log-in and log-out information which may provide additional evidence that Defendants may want Plaintiff to consider at a mediation and trial.

In short, the status of the case and the discovery issues present, together with uncertainty as to who may be the parties in this case, make it likely that mediation in the matter at this time will not be productive. Furthermore, the Plaintiff does not object to Defendants' motion.

IT IS HEREBY ORDERED that Defendants' Motion to Amend Case Management Order to Extend Date for Termination of Mediation is granted and that the Case Management Order of November 30, 2011 is amended to reflect that the date by which mediation is to be completed is July 15, 2012.

Dated this 25th day of April, 2012.

/s/ Nannette A. Baker
NANNETTE A. BAKER
UNITED STATES MAGISTRATE JUDGE